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that must be divided equally among all the brothers. If a house was built with it, that again must be divided equally. The law laid down 'What is in the house on Separation day is part of it'. 428

On the same principle, any debts due by the family such as government taxes or arrears of taxes were divided equally among the brothers. Each had to discharge his share independently, the others accepting and being given no responsibility for it. Any payments due to the family, such as repayment of money borrowed, were similarly divided between the brothers. Bride-price was in a class by itself, being paid to the bride's father, both while he still lived with his brothers and afterwards as well. 426

In a very few areas special charges on the family property were recognized. If, for instance, the youngest brother in Çermenikë did not yet have a gun, it was thought fair to give him money out of the common purse with which to buy one. In Perlat before the livestock was divided, two oxen and a few sheep were set aside for the wedding feast of an unmarried brother. In Mirditë the estimated cost of his wedding was paid to him, generally in kind, as in Perlat. Elsewhere, so far as is known, no such allowances were made.

Food and property of every description having been divided as described, accounts were balanced. Each brother paid up what money he had to pay and each received what money he had to receive. This concluded the division in most cases. It will be observed that no provision beyond 500 grosh was made for the daughters of the family. This was probably thought unnecessary by the old law-givers because a woman who had not reached extreme old age or been otherwise disabled was no burden to anybody. Her work, herding, spinning or even hoeing in the fields, was worth more to both brother and husband than the cost of her keep. An unmarried girl stayed with any of her brothers after their separation. She stood in the same relation to them all, it was thought, and was no nearer to the one than to the other. The modern civil code enacts, however, that a real and not a token provision shall be made for each daughter.

It sometimes happened that the father was alive when the brothers separated. If so, his welfare was provided for by the law. If the separation took place with his blessing he went to live with the son he liked and got on with best. This was almost invariably the youngest, who was thought nearer to him than the others, and 737

[at the time of separation--Analyst]

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737 if the youngest died, he went to the next youngest. Only one per cent of fathers chose to live with another son, and then a woman was generally to blame. If the youngest was unmarried or had a disagreeable wife who did not give much promise of looking after a troublesome old father-in-law, he went to a son with a kinder wife.

Since it was understood that he would live with his youngest son and that this son would have his house, he continued to live in his old familiar quarters. One room was allotted for his special use, but it frequently served as the general sitting-room as well because he only required one corner to sit in by day and to sleep in at night. For his support he might either keep one-eighth of his land in his own hands or arrange to be fed by his sons, either jointly or in turn. In the former case the son he lived with worked his bit of land, fed him with its produce, and eventually buried him. In consideration of the latter expense this son was allowed to keep his land and his room, though it meant getting a larger portion than his brothers. Sometimes the others contributed a little towards the old man's keep and the expenses of his funeral. In that case they had a claim at his death to an equal share of his fraction of land and his room, payable in money.

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When all his sons contracted to feed him in turn, he probably continued to live with the son with whom he was happiest, and month by month asked each of the others in turn for money with which to buy food. If they contracted to feed him jointly, each sent him an agreed quantity of food and clothing per year. In Mirditë this was fixed at 6 loads of maize, 3 pairs of sandals, 25 okes of salt and 2 bushels of haricot beans. Under this arrangement there was no eighth of land to be divided on his death. His room was kept by the son with whom he had lived, but this son must pay a proportionate share of its value to his brothers.

428 On Separation day after a room and an eighth of land had been
737 set aside for the father, the division of his property, both inherited and bought, proceeded as if he no longer existed, but he retained any title-deeds to all his former land which he might hold. His eighth was never enough to feed him, and the youngest son might become too impoverished to make up the deficiency, in which case his only resource was to pay lengthy visits to his other sons. With the title-deeds in his hands he was sure of his welcome; without them he might not be. So, too, if his sons had contracted to feed

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him, possession of the title-deeds made it more certain that they would fulfil the contract. On his death the deeds passed to his sons. 428 737

These were the general rules for his maintenance, but there were a few variants. In Çermenikë a man who had managed to buy a large amount of land during his working years had the right to keep this back when his sons separated and to leave it all to the son with whom he lived, to the exclusion of the others. More often than not, he allowed it to be divided up with the land he inherited. Sometimes he was still able to earn a little. In Lumë his sons treated his earnings as family property, taking the cost of his funeral out of them and dividing up the rest. In Çermenikë the son he lived with paid the whole cost of his funeral and kept all his earnings. In Mat, a relatively fertile district, a yoke of land was set aside for him. On his death his richest son paid for his funeral and took his piece of land in exchange. In Perlat an ox was set aside on Separation day for the public meal at his funeral; it was kept and worked till required by the son with whom he lived; its work was supposed to compensate this son for the other expenses of the funeral. In all areas the father's portion of land was often given by richer families to the poor or, among the Catholics, to the church.

A father had in the last resort the right to banish a son from his house, or a son might insist on hiving off against his father's wish. In either case he need not give him a portion, but when he died the son would take his proportionate share of the food and property, exactly as if he had never been expelled. A son who separated from his father in these conditions must restrict himself to any land his father might have given him and must refrain from interfering with the rest of the land or other property. The consequences of a premature division of property may be seen in the following story from Perlat. Two men made such scenes about their father's remarriage that he bade them leave his house. Of a just, or simple, disposition, he divided his property into three, keeping one-third for himself and giving one apiece to his sons. Afterwards he had two more sons by his second wife, then found he could not leave them more than his own portion of property, for land once divided cannot be taken back, says the law. So each of the two sons he loved best received only one-sixth, and each of the two sons he had come to dislike one-third, of his original property. An interesting variation of the above law is found in Kurbin. If a father gave a rebellious son a portion, he gave it only out of the land and

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428 livestock which he had bought since the son's birth; it was half or a third or a quarter according to the number of his sons. He kept the rest of his property, and this passed on his death to the son or sons with whom he continued to live, the expelled son getting nothing. If, however, he had built his house since this son's birth, it fell on his death to the son he lived with, but this son must pay the expelled son the usual proportionate share of its value.

737 When there was an old mother she, like the father, usually went to live with the son she loved best; in 99 cases out of 100 this was the youngest. The problem of her support was not so difficult as 593 that of an old father. The relationship between the sons and their mother was so close that few quarrelled with her and refused her food and shelter. If 'wicked' enough to do so, the whole of their world cried shame and the old lady herself might react. A native of Shelcan in Shpat took his wife away and settled in Elbasan, leaving his mother in the village. She wished openly that he were dead. More important still, a mother had economic value and was seldom the useless encumbrance that most old fathers were. At her weakest she had strength enough to rock the cradle and to mind the house while her son's wife was out working in the fields. Besides, she had worked hard for the general benefit in her time, and that must not be forgotten. For all these reasons, in most places the son she lived with was content to feed and dress her. The others might or might not contribute. If they did, their contribution was generally voluntary and at their discretion. It normally took the form of small presents, such as a kerchief or a pair of sandals. It was not advisable to give such presents regularly, for that might make the son she lived with take them for granted. By exception, in Malësi e Madhe the law bade the other sons combine to send her three loads of maize every year as a contribution towards her keep. In Mat, if she stayed with one son, he must support her unaided; the others gave her no food or clothes. In this district, however, she might opt for staying a month with each son in turn, so making them share the expense of keeping her. In Godolesh, and in Shijan near Elbasan, she had the right, like the father, to take one-eighth of the general property. The son worked this land, fed her with its produce and eventually took it into his own holding in consideration of paying for her funeral. In practice she seldom exercised this right, preferring to run in and out of all her sons' houses in turn and getting a meal in any of them. She

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was expected to behave reasonably; in Mirditë if she were a trouble-maker her son might legally send her back to her brother, giving her three loads of grain for her support during the first year and nothing afterwards. On her death she might be buried by the son she lived with, as in Zerqan, or by all the sons in combination, as in Martanesh and the Malësi e Madhe. Here good feeling rather than the law dictated the usage.

Sometimes a minor—a small brother or the orphan of a dead brother—had to be arranged for. The essential was that he should receive his portion and not be left alone with his mother, as she might induce him to sell his land or might herself take a lover. If his grandfather were alive he remained with him. Otherwise he went to live with an older brother or an uncle. Exceptionally, in Shijan he lived by preference with his mother's brother, less probably with his father's brother, and still less probably with his own brother. His guardian worked his land or gave it to a third party to work for an agreed return and fed and clothed the minor with its produce until he came of age at fifteen. The guardian had also to feed and clothe his mother and any small brothers and sisters he might have. Sometimes a guardian brother remained in the father's house with the minor. He was its master, though not its owner, until the minor came of age. Then he must leave the house to the minor and himself move to new quarters.

Sometimes brothers who had separated joined up again. The 'remarriage' seldom lasted long; as the proverb puts it, 'a loaf once broken can't be put together again'. When they separated for the second time, their food and property were divided on the same principles as before. Due note was taken of any house they might have built or any land or livestock they might have bought during their temporary reunion; these were divided as usual, not according to the number of brothers, but according to the number of men. If one brother had died childless since the first separation, a completely new division of the property was necessary.

The division of food and property might be effected by elders, by the eldest brother, by a neighbour, or by a more distant relative, or by the father if alive. The factors governing the choice of one or other were, as usual, based on common sense. The division of property, as distinct from food, was often so complicated that only experienced men like elders could grapple with it. A father tended to favour his best loved son or daughter-in-law and was often ruled